GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegation of corruption against Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, Station Fire Officer, Fire Station, Ongole, Prakasam District - Demand and acceptance of bribe amount in connivance with Sri Banavathu Veera Bhadra Rao, S/o late Lal Singh, aged 47-yrs, Asst. District Fire Officer, Prakasam Dist., Ongole - Trapped on 01-08-2017– Sanction of Prosecution – Orders – Issued.

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HOME (SC-B) DEPARTMENT

G.O.MS.No. 131 Dated: 11-10-2019.

ORDER:-

Whereas, Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, worked as Station Fire Officer, Fire Station, Ongole, Prakasam District, from 16.05.2013 to 01.08.2017. By virtue of the post held by him, as a Station Fire Officer, Fire Station, Ongole, Prakasam District, he falls under the category of a Public Servant as defined Under section 2 (C) of the Prevention of Corruption . Act, 1988.[Act No.49 of 1988]

2. And Whereas, Sri Mokkapati Jitendra Venkata Srinivas S/o Srirama Chandra Murthy, age 36 yrs, Manager, Vijaya Hospitals, Ongole is the complainant in this case.

3. And Whereas, on 29.07.2017 at 11-00 hrs, the complainant Sri Mokkapati Jitendra Venkata Srinivas S/o Srirama Chandra Murthy, age 36 yrs, Manager, Vijaya Hospitals, Ongole came to O/o the DSP, ACB, Ongole and presented a report stating that the Complainant has been working as Manager of Vijaya Hospitals, Ongole. He looks after the personal affairs of Dr. S. Vijaya Ragahava Rao, Managing Director, Vijaya Hospitals and the hospital maintenance affairs as well. In June-2014, they applied for the occupancy No-objection certificate from State Disaster response and fire service department for Vijaya Hospitals and the then Regional Fire officer, Southern Region, Hyderabad had issued occupancy No-objection certificate on 31.12.2014. Later on, they obtained renewal occupancy No-objection certificate from the District Fire officer, Prakasam district, Ongole for last year. On 31.12.2016, they once again applied for renewal occupancy No-objection certificate for the year- 2017 by enclosing a challan for Rs.10,000/-. But, the Inspection Committee has not inspected their hospital till April-2017, despite repeated requests In April-2017, When, he met the Station Fire officer, Ongole in his office near Gopi theatre, Ongole, he suggested to pay the requisite fees through mee-seva and submit application afresh. Accordingly, on 10-04-2017, he paid Rs.10,350/- and applied afresh through Mee-seva. Thereafter in June, 2017, the inspection Committee has inspected their hospital and during their inspection they found fault with the fire alarming system and suggested to rectify the same. Accordingly, they rectified the same. About 15 days prior to the report he met Sri M.V. Subbarao, Station Fire officer, Ongole, in his office and informed him about the rectification of fire alarming system and requested him to issue renewal occupancy No Objection Certificate at an early date. At that juncture, Sri M.V. Subbarao, said that he and the Asst. District Fire officer have to give their report, following which the District Fire officer will issue the proceedings with regard to renewal occupancy No Objection Certificate of their Hospital and then he will hand over the proceedings to them and for all said things, they need to pay Rs.50,000/- and the amount is not for him alone but would be distributed among himself, Asst. District Fire officer and District Fire officer. He then said that he was not interested in paying the bribe amount and informed to Sri Subbarao that he will talk to Dr. S. Vijaya Ragahava Rao in this regard and come back to him later. Later, he informed about the demand of bribe to Dr. Vijaya Ragahava Rao and he too did not evince interest in paying the bribe amount and said that they will think about it, if need be, but not otherwise. On 25.07.2017, he once again met Sri M.V. Subbarao, Station Fire officer, Ongole in his office and requested him to issue renewal occupancy No-objection certificate for which Sri Subbarao reiterated his earlier demand. He then said that he still needs to discuss about the same with Dr. Vijaya Raghava Rao. The Station Fire officer, Ongole, then instructed him to take another challan for Rs.773/- for formal re-inspection and accordingly he took the challan on 27.07.2017. On the same day i.e on 27.07.2017, he once again approached Sri M.V.Subbarao Station Fire officer, Ongole in his office, submitted the challan for Rs.773/- and requested him to issue renewal occupancy No Objection Certificate for which Sri M.V. Subbarao, said that the proceedings are being prepared, but their work will be materialized, provided they pay Rs.50,000/- bribe amount only. He then said that Rs.50,000/- was too big, on his request finally Sri M.V. Subbarao, reduced the bribe amount to Rs.35,000/-. Having no other recourse, he agreed to pay the same and informed

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Sri Subbarao, that he will convey the matter to Dr. Vijaya Raghagava Rao and bring the amount in 4-5 days. Sri M.V. Subbarao, then suggested to him to bring the amount and to give it in his office. Later, he informed about the matter to Dr. Vijaya Raghagava Rao and he was unwilling to offer the bribe amount. They both discussed about the same and came to decision that it is better to report the matter to ACB instead of paying the bribe amount. Dr. Vijaya Raghagava Rao gave him an authorization letter and suggested him to approach ACB officials and to give a report against Sri M.V. Subbarao Station Fire officer, Ongole for taking action against him.

4. And whereas, after due verification of the report, on 01.08.2017 at 10-00 AM, the DSP, ACB, Ongole registered a case in Cr. No.8/RCT-OGL/2017 Under section 7 of the Prevention of Corruption Act, 1988 of ACB, Prakasam District, Ongole and took up investigation. On 01.08.2017 from 10-15 AM to 11-15 AM, the DSP, ACB, Ongole conducted pre-trap proceedings in O/o the DSP, ACB, Ongole in the presence of two mediators, Inspectors, Staff and complainant. All the required procedural formalities to be observed were complied with.

5. And whereas, on 01.08.2017 at about 12-15 noon, the Station Fire Officer Sri Morla Venkata Subbarao, was caught red-handed in O/o the Station Fire Officer, Ongole situated in the premises of Assistant District Fire office, Prakasam district, Ongole when he demanded and accepted the bribe amount of Rs.35,000/- from the complainant Sri Mokkapati Jitendra Venkata Srinivas S/o Srirama Chandra Murthy, Manager, Vijaya Hospitals, Ongole. On 01.08.2017 afternoon when the Complainant Sri Mokkapati Jitendra Venkata Srinivas met Sri M.V. Subbarao, in his office room situated in the premises of District Fire office, Prakasam district, Ongole Sri Morla Venkata Subbarao further demanded bribe amount of Rs.35,000/- and when the Complainant took the tainted amount from his left side inner shirt pocket and gave it to Sri Morla Venkata Subbarao, he received it with his right hand, counted the amount with both his hands and then kept the amount in the left side front pocket of his trousers**.** Sodium carbonate test conducted on both the hand fingers of Sri Morla Venkata Subbarao, yielded positive result. The tainted amount of Rs.35,000/- was recovered from the left side front pocket of the trousers of Sri Morla Venkata Subbarao. When the inner linings of the left side front pocket of the trousers of Sri Morla Venkata Subbarao, was subjected to sodium carbonate test, it yielded positive result too. The Deputy Superintendent of Police seized the pant of Sri Morla Venkata Subbarao, and the resultant Sodium carbonate solutions as well. The Deputy Superintendent of Police secured (1) File pertaining to renewal occupancy No-objection certificate of M/s Vijaya Hospital, Ongole containing 1 to 13 sheets (2) Photostat copies of Inward Register of O/o the Dist. Fire Officer, Prakasam Dist., Ongole maintained from 19.11.2016 to 17.05.2017, (3) Photostat copies of the Inward Register of O/o the Dist. Fire Officer, Prakasam Dist., Ongole maintained from 23.05.2017 to till date i.e. 01.08.2017, and (4) the Dispatch Register, O/o Dist. Fire Officer, Prakasam Dist., maintained from 26.10.2016 to 31.07.2017 and seized the same for the purpose of investigation after due attestation by the Asst. District Fire officer Sri B. Veerabhadra Rao. The versions of Sri Morla Venkata Subbarao, and the Complainant Sri Mokkapati Jitendra Venkata Srinivas were incorporated in the post-trap proceedings. Whereas Sri Morla Venkata Subbarao, had stated during the post-trap proceedings that he demanded and received the bribe amount of Rs.35,000/- and the bribe amount would be shared equally among himself, Sri Banavathu Veerabhadra Rao S/o late Lal Singh, age 47 years, Asst. District Fire Officer, Prakasam Disrict, Ongole and Sri C. Peddi Reddy, District Fire officer, Prakasam district, Ongole. On the date of trap i.e. on 01.08.2018, Sri Banavathu Veerabhadra Rao S/o late Lal Singh, age 47 years, Asst. District Fire Officer, Prakasam District, Ongole after confirming from Sri Morla Venkata Subbarao, Station Fire Officer that the bribe amount was received by him from the complainant Sri Mokkapati Jitendra Venkata Srinivas assured the Complainant Srinivas that the inspection committee report pertaining to renewal occupancy No-objection certificates of Vijaya Hospitals, Ongole will be signed by the Inspection Committee members including Sri C. Peddi Reddy, District Fire officer, Prakasam district, Ongole who was expected to report for duty on 02.08.2017 and will be immediately sent to the RFO, Vijayawada. Although, Sri C. Peddi Reddy, District Fire officer, Prakasam district, Ongole was on medical leave on the date of trap ie on 01.08.2017. The Deputy Superintendent Police, Anti Corruption Bureau, Ongole arrested Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, Station Fire Officer, Fire Station, Ongole, Prakasam District at 9-30 PM on 01.08.2017 after explaining the grounds of his arrest. The above proceedings were reduced into writing in the form of Mediator Report No.II. in detail.

6. And whereas, Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, Station Fire Officer, Fire Station, Ongole, Prakasam District who worked as such from 16.05.2013 to 01.08.2017, had abused his official position, opted to corrupt and illegal means, connived

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with Sri Banavathu Veerabhadra Rao S/o late Lal Singh, age 47-yrs, Asst. District Fire Officer, Prakasam Dist., Ongole with a common intention of obtaining illegal gratification from the complainant had demanded and received an amount of Rs.35,000/-from the complainant Sri Mokkapati Jitendra Venkata Srinivas as illegal gratification and thereby gained pecuniary advantage and thus his act constitutes an offence punishable Under section 7and 13(2), read with section 13(1)(d) of the Prevention of Corruption Act, 1988 [Act No.49 of 1988] & section 34 of the Indian Penal Code, 1860 [Act No.45 of 1860].

7. And whereas, the Government of Andhra Pradesh being the competent authority to remove the said Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, Station Fire Officer, Fire Station, Ongole, Prakasam District who worked as such from 16.05.2013 to 01.08.2017, from his service, after fully and carefully examining the material (i.e., Final Report, copy of the F.I.R., copies of the Mahazars, gist of the statement of the witnesses and other documents placed before the Government in respect of the aforesaid allegation and having satisfied with regard to the circumstances of the case consider that the above said Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, Station Fire Officer, Fire Station, Ongole, Prakasam District who worked as such from 16.05.2013 to 01.08.2017 should be prosecuted in a Court of Law for the above said offences.

8. Now, therefore in exercise of the powers conferred by Clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 and section 197 of the Criminal Procedure Code, the Government of Andhra Pradesh, Amaravati, is hereby accord, sanction for the prosecution of the said Sri Morla Venkata Subba Rao, S/o Venkateswarlu, age 38-yrs, Station Fire Officer, Fire Station, Ongole, Prakasam District who worked as such from 16.05.2013 to 01.08.2017 for the offences punishable Under section 7 and 13(2), read with section 13(1)(d) of the Prevention of Corruption Act, 1988 [Act No.498 of 1988] & section 34 of the Indian Penal Code 1860 [Act No.45 of 1860] and for any other offences under any other law in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(K.R.M. KISHORE KUMAR)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General, Anti-Corruption Bureau,
Andhra Pradesh, Vijayawada.
Copy to:
Law (C) Department, A.P. Secretariat.